

Green, LindaE

From: Albright, Scott
Sent: Friday, August 3, 2018 2:35 PM
To: FOIA HQ
Subject: new FOIA request (subpoena) - please assign FOIA tracking number
Attachments: Berry subpoena.pdf

Hello,

Please find attached a subpoena for documents and accompanying material that should be assigned a new FOIA number and entered into EPA's FOIA tracking system. The requester's name (Kevin Berry), contact information and subject of the request is on the subpoena. The subpoena suggests that it should be a Region 3 request; **however** this should be processed as a Headquarters request (given the location of the potentially responsive records). The new FOIA request should be assigned to OAR's Office of Atmospheric Programs, Stratospheric Protection Division (Alternatives and Emissions Reduction Branch).

Finally, please provide me with the new FOIA tracking number once it is issued, so I may include it in a letter to the requester.

Thanks,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

KEY RECYCLING, LLC

Plaintiff

v.

APPLIANCE RECYCLING CENTERS
OF AMERICA, INC.

Defendant

Civil Action No. 2:18-cv-01656-WB

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Environmental Protection Agency
US EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, including writings, drawings, graphs, charts, photographs, images, and other data or data compilations stored in any medium and to permit inspection, copying, testing, or sampling of the material: All RAD reports filed by Appliance Recycling Centers of America, Inc., Philadelphia Metal & Resource Recovery, Covanta Holding Co., Safety Kleen, ClimeCo Corp from 2015 to the present.

Place: O'Hagan Meyer
100 North 18th Street, Suite 700
Two Logan Square
Philadelphia, PA 19103
267-386-4353

Date and Time: August 24, 2018 at 10:00am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/24/2018

CLERK OF COURT

Kate Barkman

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing Key Recycling, LLC, who issues or requests this subpoena, are:
Kevin F. Berry, Esquire, O'Hagan Meyer, 100 N. 18th St., Suite 700, Two Logan Square, Philadelphia, PA 19103
267-386-4353; kberry@ohaganmeyer.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 2:15-cv-0348-GEKP

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.: